

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MARIANA DEJESUS,

Plaintiff,

-against-

THE CITY OF NEW YORK, P.O. VICTOR E.  
HERRERA (Shield #03540) and POLICE OFFICER  
JOHN DOES 1-3,

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISMISSAL**

CV 05 0709 (ARR)(RML)

Defendants.

-----X J

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about February 4, 2005, alleging violations of his federal and state rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the remaining issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Marianna DeJesus, Twenty-Four Thousand Dollars (\$24,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants, and to release defendants Victor Herrera, City of New York and any present or former employees or agents of the City of New

York or any agency thereof, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to the defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph "2" above and Affidavits of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
January 18, 2006

LYNCH & HAMMER  
160 Broadway  
Suite 708  
New York, New York 10038  
(212) 509-2805

By:

  
SCOTT HAMMER (SH 7490)

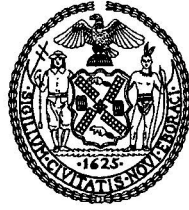
MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants*  
100 Church Street, 3-222  
New York, New York 10007  
(212) 788-8714

By:

  
GENEVIEVE NELSON (GN5939)  
Senior Counsel

SO ORDERED:

U.S.D.J. 



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

MICHAEL A. CARDOZO  
*Corporation Counsel*

GENEVIEVE NELSON  
Assistant Corporation Counsel  
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January 18, 2006

**BY HAND**

Honorable Allyne R. Ross  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

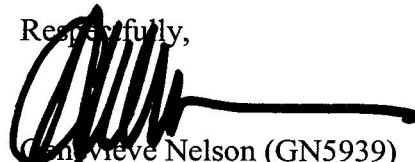
Re: Mariana DeJesus v. City of New York, et al.  
CV 05 0709 (ARR)(RML)

Your Honor:

I represent the defendants in the above-referenced matter. The parties in this action have reached a settlement agreement. To that end, I respectfully enclose the executed original Stipulation and Order of Settlement and Dismissal for Your Honor's signature and filing.

Thank you for your consideration.

Respectfully,



Genevieve Nelson (GN5939)  
Assistant Corporation Counsel

Encl.

cc: Scott Hammer, Esq. (by mail w/ encl.)